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11-27-07

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Barmore et al.	Docket No.:	D-43664-01
Serial No.:	10/719,625	Group Art No.:	1772
Filing Date:	November 21, 2003	Examiner:	Miggins, Michael C.
Title:	OXYGEN DETECTION SYSTEM FOR A RIGID CONTAINER		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56 and in accordance with 37 CFR §1.97 et. seq., the Office is advised upon information and belief, that:

- on or about September 24 to 25, 2001, oxygen sensing labels having a luminescent dye included thereon, and having a metallized PET layer, were tested, under a confidentiality agreement, at a food processing plant operated by a corporation in the US, for evaluation as a quality control method for testing the effectiveness of an oxygen scavenging triggering/packaging system, the system involving the commercial production of trayed, lidded packages containing a food product, in which the lidding material included an oxygen barrier layer and an oxygen scavenging layer. The labels were placed on pieces cut out from the activated top web (i.e. lidstock on individual trayed, filled packages, wherein the oxygen scavenger of the lidstock had been triggered in a UV triggering unit upstream of the packaging line) and stored under refrigerated, ambient or incubated conditions. Under refrigeration, the labels showed positive scavenging results in 2- 3.5 hours in two tests and 2-6 hours in additional tests. At ambient temperatures, positive readings were seen from 0.5 hours to 3 hours and under incubated conditions the labels detected scavenging from 0.5 to 1 hour for three of the tests and from 0.5 to 6 hours for a fourth. Some repeatability issues were encountered.

- on or about October 15 to 19, 2001, 306 oxygen sensing labels like those described above, were tested at the same facility for evaluation for the same application as described above. Time for intensity counts of labels to reach 1000 was the critical label attribute observed. In these tests, empty packages were collected from the food packaging lines running OS100™ oxygen scavenging film sold by Cryovac, Inc. and being used by the customer as lidstock for trayed food packages. Pieces cut from the lidstock were removed from the packages and an oxygen sensing label was placed on the sealant side of these pieces. Initial intensity counts were obtained for each label. These labels, adhered to the lidstock, were then placed in a refrigerator (4°C), incubator (35°C), or left in ambient conditions (approximately 23°C). Intensity

counts were obtained every 30 minutes until counts reached 2900 or above. Three replicates of each treatment were tested.

- on or about November 2, 2001, O<sub>2</sub> sensing labels, like those described above, with a silver backing, were printed, under a confidentiality agreement, with a print containing a luminescent compound at a toll printer. Additional labels, with a white backing, were printed on December 3, 2001. Labels are printed with a one-inch square of phosphorescent dye on the adhesive side.

- on or about December 5-6, 2001, 264 of the silver labels printed on November 2, 2001 were tested at the same food processing facility for the same application as described above. Labels were tested in refrigerated, ambient, and incubated conditions. Time for intensity counts to reach 1000 was the critical label attribute observed.

- on or about December 5-6, 2001, laboratory personnel at the same facility were trained to use oxygen sensing labels that were hand made as well as supporting equipment.

- on or about December 5-6, 2001, labels printed on December 3, 2001 (white) at the same toll printer as above, were compared with the labels printed in November (silver) at the same facility as above. It was observed that the initial count readings were low for white labels. Initial counts for silver ranged from 259 to 356, while initial counts for white labels ranged from 90 to 111. Silver labels reached 1000 counts from 30 min to 1.5 h. Counts were checked every 30 minutes. White labels tested on Wed., Dec. 5th remained in the 600 counts range after 17 hours of incubation. Tests were repeated on Thursday Dec. 6th. Initial counts ranged from 102 to 174 for white labels, and 220 to 435 for silver labels. Counts reached 1000 or above in 30 min to 1.5 h for silver labels, and white labels reached 1000 or above in 2 - 2.5 h.

This IDS is being submitted under 37 C.F.R. §1.97 (b)(3), and therefore no fee is required. However, if any fees are deemed due, please charge same to Deposit Account No. 07-1765.

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Respectfully submitted,



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